Between February 2014 and April 2017, Josiah Binsaris escaped from the Don Dale Juvenile Detention Centre four times, in an increasingly violent manner. He and his mates were condemned as “scumbags”, "thugs" and "idiots" in the media. What the public did not know until years later, was that kids {up to 100 per cent were of Aboriginal descent) in Don Dale were being butalised and held in solitary confinement in cells unfit for animals in a system described as “breeding troubled kids and repeat offenders”. The nation was shocked when video evidence from inside the detention centre was shown on the ABC television program “4 Corners” in July 2016. But the same evidence was documented a year earlier in a report to the NT government. Even the federal government was so out of touch they at first appointed a retired NT Chief Justice, Brian Martin, as the Royal Commissioner to investigate the treatment of juveniles in custody in the NT. Josiah Binsaris wasn't waiting around. To make a point, he and a mate escaped again in April 2017 but was recaptured after four days.

We condemn car stealing. Car chases can lead to the deaths of innocent people. Car-jacking is traumatic for the victim. But the Don Dale escapees focused attention in the only way they knew, to a soul-destroying incarceration system in the Northern Territory.

In 2020, the Don Dale 6 received some recognition in the High Court of Australia when four of the Don Dale detainees, including Josiah Binsaris, were judged to be entitled to damages as a result of their treatment by prison authorities in Don Dale on 21 August, 2014.

The articles in this Facebook album tell the story, thanks to the “Territory Stories” internet site created by the Library and Archives of the NT, The NT News, the book “Crocs in the Cabinet: Northern Territory politics: an instruction manual on how NOT to run a government” by Ben Smee and Christopher Walsh (2016) and the newspaper collections of the State Library of Western Australia (SLWA).

TIMELINE of the “DON DALE 6” protest actions.

Monday, 17 February 2014 - 14-year-old Josiah Binsaris escorted from the Don Dale Juvenile Detention Centre to the Darwin Magistrates Court to face charges of property offences. At 11.50am, barefooted Josiah leaps from the dock over a 1.5-metre glass barrier, runs past security at the door and disappears into scrub around the Railway Dam Aboriginal community. Police with dogs searching into the night fail to find the escapee. Re-arrested next day.

Saturday, 2 August, 2014 - Josiah with four other youths escape Don Dale. Josiah the last captured on Wednesday 6 August.

21 August, 2014 – Josiah among six youths tear-gassed in Don Dale (see still from body cam)..

Sunday night, 30 May, 2015 – 16-year-old Josiah and five other youths trash B-Block in Don Dale and climb onto the roof. Josiah and friend mange to climb over two fences, getting serious cuts on the razor wire. Escape in stolen car, sighted in a third stolen car, a Yaris, on Tuesday 2 June, 2015. Their third day on the run. Josiah in t he stolen Yaris then heads back to Don Dale. After smashing through the gates, the vehicle is driven around the prison for 45 minutes before Josiah and friend are apprehended.

August 2015 - Report by Colleen Gwyne on treatment of juveniles in Don Dale is received by NT Government. Minister for Aboriginal Affairs Nigel Scullion later says the report of tear-gassing and use of spit hoods “hadn't piqued my interest”. Apparently no action taken.

25 July, 2016 – ABC Four Corners program shows brutal treatment of prisoners in Don Dale, reported in NT News under page one headlines like, “Jailhouse Shame”,“Sack the lot of them” and “Crying Shame”.

2 August, 2016 – The Royal Commissioner appointed by PM Malcolm Turnbull, retired NT Chief Justice Brian Martin, resigns after protests over the Chief Justice's past record of sentencing Aboriginal offenders and objections that the Chief Justice's daughter Joanna had been an adviser to previous NT Attorney General Delia Lawrie (also see “Graham X and the Chief Justice” on my Facebook pages).

6pm, Wednesday 5 April, 2017 – Two 17-year-old prisoners, Josiah Binsaris and Trey Mason smash a window during a storm and climb a fence to escape Don Dale detention centre. In stolen car they drive south along the Stuart Highway. After a car-jacking and ramming of a police car, tyre spikes are used by police and Josiah is tasered and captured at Adelaide River on Saturday, 8 April, 2017,.

25 May, 2017 - Josiah Binsaris turns 18 and is sent to the new Holtz adult prison outside Darwin. To serve the remainder of his 5 years and 6 months for the April 2017 escape and various offences committed while on the run.

February 2019 – Josiah sentenced to an additional four months, to a total 5 years 10 months imprisonment from April 2017.

June 2020 – The High Court of Australia rules that the use of tear gas in Don Dale was illegal and four Don Dale detainees, including Josiah Binsaris are entitled to sue the NT Government for damages.

POSTSCRIPT: The Northern Territory loves a manhunt. The Northern Territory News reported on 3 October 1961 on the police hunt for two Malayan pearl divers named Daru Binsaris and Zainal Hashim. Road blocks were set up at the 11-mile and houses were searched. Waterside workers held stop-work meetings, petitions were signed and the NT News editorialised as Darwin people protested at official moves to deport Binsaris and Hashim who had been working in northern Australia for more than 12 years. As a last resort, the deportees went underground with the support of the Darwin community. The eventual federal government back-down, allowing the “stayput Malayans” to reside in Australia, was seen as a victory for popular resistance against the racist White Australia policy of the era. The NT News reported on 17 May 1962: “They won the right to stay after a long, often bitter campaign waged by Darwin people and every major newspaper in Australia.”

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This first escape in February 2014 occurred 6 months before the tear-gassing of Josiah and the Don Dale 6 on 21 August 2014. However, the public did not learn the full details of the horrors within the Don Dale Youth detention centre for more than two years. These daring escapes were the only way to express their desperation that the young prisoners knew.

Extracts from the Report of Children’s Commissioner Colleen Gwynne to NT Government, based on events that occurred from 4th to 21st August 2014 in the Behaviour Management Unit (BMU) of the Don Dale Youth Detention Centre.

On 12 August 2014, concerns were raised by a professional stakeholder on behalf of five young persons who were in detention. The complaint related to the alleged indefinite nature of the confinement in the BMU, and the unhygienic living conditions of the environment. It was the complainant’s opinion that the conditions were ‘inhumane’ as young persons were being held in solitary confinement in cramped and darkened cells, for up to 23 hours a day.

There were also concerns about the long-term impact this could have on the five young persons’ psychological and physical wellbeing.

The cells do not have any air-conditioning, or fans. There are no facilities for the young persons to access drinking water, nor are there any facilities for hand washing after using the toilet, or before eating meals. There are no windows which allow direct natural light, or ventilation.

Six young persons were being held in the BMU between 4 and 21 August 2014, for periods of between 6 to 17 days, depending on the individual. Five of these young persons had been involved in an escape from the medium security section of Don Dale on 2 August 2014. They were all placed in the Behaviour Management Unit (BMU) after they were returned to detention.

YJO B told investigators: ‘The kids kept asking if they could get out and management never had any answers for them and the detainees went off and I don’t blame them, I would have too. It wouldn’t have happened if they didn’t keep them in there for so long. It is horrible, it stinks, they do the spring cleaning every Saturday but when you’ve got so many kids in there and they are all going to the toilet and they were sharing cells, it is not nice living arrangements or accommodation, I am surprised it didn’t happen sooner.’

[NOTE: On 21 August, 2014, juveniles confined in the Don Dale Behaviour Modification Units (BMUs) revolted against unbearable conditions and 6 youths were tear-gassed, including Josiah Binsaris. See report by Colleen Gwynne, Children's Commissioner, dated August 2015 and later ABC “4 Corners” TV investigative report shown on Monday 25th July, 2016]

CONCERN FOR TEEN BOYS WHO ESCAPED DETENTION

NT NEWS, Wednesday, 05 August, 2014, page 3.

TWO teenagers who escaped from juvenile detention are still on the run and police say they have concerns for their welfare.

Josiah Binsaris and Jake Roper have been not seen since about 8pm on Saturday. Three other boys, who broke out at the same time, have since been found.

Police described Josiah, 15, as a “brown-skinned Aboriginal, 60kg, 178cm tall, short dark hair, wearing track pants and a green T-shirt”. Jake, 14, is described as being “Aboriginal, brown skin, solid build, short curly hair, wearing black shorts and an orange T-shirt”.

The NT News understands the group was in detention mostly for property theft.

[Also see "TEAR GAS FIRED TO QUELL TEENS IN DON DALE RIOT."

NT News, Saturday, 23 August, 2014, page 2].

The full details of the gassing and other horrors inside the youth detention centre were not revealed until video was shown on the ABC "Four Corners" program in August, 2016, two years after Josiah's second escape, reported on 4&6 August, 2014 (above).

COPS NAB TRIO OF ESCAPEES

NT News, Monday, 4 August, 2014, page 3.

THREE of the five youths who escaped from Darwin’s Don Dale Juvenile Detention Centre overnight on Saturday have been caught with the other two teens still on the run.

Duty Superintendent Helen Braum said three of the boys, aged 15, 15 and 17, were located in Moulden yesterday afternoon and are now in police custody. Sen-Sgt Braum said the youths were “located in the area” but not in a friend or family member’s home.

Police searched nearby bushland and went door-knocking yesterday in an effort to find the youths. She said plain-clothed police driving unmarked cars were still on the hunt for Josiah Binsaris, 15 and Jake Roper, 14.

Senior sergeant Louise Jorgensen said the boys were not considered dangerous but that police held concerns for their welfare.

The NT News understands the group was in the detention centre mostly for property theft.

NT Police have advised the public to be “vigilant around the security of their homes and motor vehicles”

wo years later, video taken inside the detention centre showed the use of spit hoods, isolation cells and CS gas. but in 2014, the these voiceless youths expressed their situation in escapes and protests, for which they were called, "scumbags", "idiots" and "thugs". And yet the discredited CLP government of those years could only suggest tougher penalties.

This is how the Newspaper reported Josiah's second escape. Only the detainees were aware of the horrors they were escaping from. Three weeks after this report, the ABC noted that something was wrong, but this did not become widely known until the Four Corners program of 25 July, 2016.

The dates are important to note.

ABC News Posted Friday 22 August 2014 at 5:38pm

TEENS TEAR-GASSED IN CLASH AT DARWIN’S DON DALE JUVENILE DETENTION CENTRE

By Ruby Jones

Tear gas was used to subdue six teenagers who escaped their cells, armed themselves with glass and smashed windows and light fittings, the Northern Territory Corrections Commissioner has revealed.

The clash started about 5:30pm on Thursday at the Don Dale Juvenile Detention Centre.

The boys, aged between 14 and 17 years, also attacked and injured a prison officer.

As the stand-off escalated, extra prison officers and a police dog were brought in.

Then, in what the Commissioner says is a first in his Northern Territory career, tear gas was used on the teenagers.

"Staff were at risk and without placing them at any further injury, or the detainees at injury, the decision to use the chemical was made," Commissioner Middlebrook said.

See also: Extracts from the August 2015 Report of Children’s Commissioner Colleen Gwynne to NT Government, based on events that occurred from 4th to 21st August 2014 in the Behaviour Management Unit (BMU) of the Don Dale Youth Detention Centre.

But meanwhile see...NT News, Wednesday 6 August, 2014, page 4.

"YOUNG THUGS ON MOVE"

by Christopher Walsh

A new breed of youth criminals, who are more vicious and violent that anything seen before, can only be controlled by upgrades to the Territory's youth prison system, the Territory Government says.

This comes as a 14-year-old, one of the two remaining escapees from Don Dale Youth Detention Centre, was found and arrested at [the suburb of] Moulden without incident late yesterday.

Correctional Services Minister John Elferink announced $800,000 to move the current centre to the medium security wing of the Berrimah jail, after a daring escape over the weekend [Saturday] by five youths including the 14-year-old.

They allegedly threatened detention centre workers with gym equipment before fleeing.

Josiah Binsaris, 15, is still on the run.

“Recent events have demonstrated the necessity to spend that money,” Mr Elferink said.

“We'd already identified a number of shortcomings last year in the Don Dale facility and we realised that money would have to be set aside to improve the quality of the incarceration at Don Dale.”

Commissioner for Correctional Services Ken Middlebrook applauded the move of facilities and said the new breed of youth criminals was becoming more violent, as the escape proved.

“What's concerning about this is the definite change in the sorts of juveniles that are coming into custody,” he said.

“They have a propensity to show more violence and we need to be able to separate the various levels and ages.”

“I'm confident that moving from Don Dale across to Berrimah will certainly give us the tools to manage this change in that classification of young fellows that are coming into custody.”

The current Don Dale centre was lacking in certain areas, including no toilets in the cells and a wooden ceiling in the female section which could be a fire hazard,” Mr Elferink said.

The facility typically houses 30-40 inmates but has seen up to 70 or more at one time.

The $800,000 will be used to upgrade the current medium-security wing at Berrimah jail which will see separate sections for detainees based on age groups and behaviour.

Inmates from the Berrimah jail will be sent to the new Darwin Correctional Precinct [Holtz Prison] next month and it's expected the young offenders could be moved within the next year.

FOUR BACK IN CUSTODY, ONE TO GO

NT News, Monday, 4 August, 2014, page 3.

ONE of the five escapees from the Don Dale Youth Detention Centre is still on the lam and police are asking the public for help in locating him.

Five youths threatened detention centre staff overnight Saturday with gym equipment before making the break. Three of the boys were located in the area shortly after and were scheduled to appear in court yesterday. One – Jake Roper, 14 – was caught last night, while Josiah Binsaris, 15, is still missing. Police have said he is not considered dangerous.

Commissioner for Correctional Services Ken Middlebrook said an investigation into how the escape happened is ongoing. Anyone with information should call 131 444 or Crime Stoppers on 1800 333 000.

See also “Young thugs on move”, Page 4

[NOTE: On 21 August, 2014, juveniles confined in the Don Dale Behaviour Modification Units (BMUs) revolted against unbearable conditions and 6 youths were tear-gassed, including Josiah Binsaris. See report by Colleen Gwynne, Children's Commissioner, dated August 2015 and later ABC “4 Corners” TV investigative report shown on Monday 25 July, 2016]

It took a ram-raid through the prison roller-door gates to draw attention to the horrors of Don Dale. Now in 2020, their resistance has been recognised in a High Court judgment recognising the claims of the Don Dale Six on behalf of their fellow detainees.

NT News, June 2, 2015

Sunday night, 30 May, 2015: 16-year-old Josiah and five other youths trash B-Block in Don Dale and climb onto the roof. Josiah and friend mange to climb over two fences, getting serious cuts on the razor wire. Escape in stolen car, sighted in a third stolen car, a Yaris, on Tuesday 2 June, 2015.

NOTE - The breakout described here took place on Sunday May 30, 2015, which was NINE MONTHS AFTER the CS gassing of detainees in the Don Dale detention centre, but two months BEFORE a report on the CS gassing in Don Dale became public. The story of the escape by JOSIAH BINSARIS and ETHAN AUSTRAL, published by the NT News in June, 2015, including the ram-raid by Josiah and Ethan, smashing through the roller gates of the detention centre, occurred TWO YEARS BEFORE the world was shocked by VIDEO FOOTAGE taken in AUGUST 2014 showing the use of CS TEAR GAS and spit hoods and the abuse of ISOLATION CELLS in the Don Dale detention centre.]

This is how the Northern Territory News on Tuesday, 2 June, 2015, page 6, reported the escape:

ANATOMY OF A BREAKOUT

6.35pm Trouble begins in B-Wing of B-Block when four detainees begin disruptive behaviour. Concerned Youth Justice officers move to contain the situation but find the detainees have managed to disable locks preventing them from accessing B-Wing.

In response to the disturbance in B-Wing the six staff on duty move to lockdown the four detainees in A-Wing of B-Block.

While staff manage to contain two inmates in A-Wing the other two elude them by climbing out of their reach to positions on the unit wall.

By this stage detainees in B-Wing have broken through the roof into the common area separating the two units. They arm themselves with metal beams pulled from the ceiling. They threaten staff and begin damaging the common area, smashing the perspex windows of staff offices and turning on the fire hose. With the situation getting out of control, staff withdraw.

Staff cut water to the detention centre to shut down the fire hose.

7.00pm Youth Justice staff contact Darwin Corrections Centre calling for urgent back-up, An Instant Action Team is dispatched to Don Dale. Other senior Youth Justice staff are also contacted to lend assistance.

The detainees from B-Wing next smash through into the ceiling separating the common area from Tivendale School. One inside the school they arm themselves with more metal weapons. Computers are smashed, furniture destroyed and the library trashed.

The door separating A-Wing from Tivendale School is forced allowing the two groups to join.

The six next turn their attention to A-Wing, trashing accommodation units and the common area.

7. 10pm Police called. Soon after the group heads toward the former isolation unit of the Darwin Prison. They use a fire hose box on the wall to access the roof, which is made of heavy-duty mesh.

Five of the detainees somehow manage to force a hole through the mesh giving them access to the roof of the detention centre. Once they climb from the roof into the yard two fences separate them from freedom. The inner-fence is topped with razor wire.

7.30pm Two of the detainees successfully negotiate their way through the razor wire and over the outer fence. One of the detainees is caught on the razor wire. Once between the fences the other two have a change of heart and head back toward the detention centre. One of the detainees becomes entangled in the razor wire on his way back into the centre and has to be freed by staff. The final detainee manages to climb back into the centre where is apprehended.

Two detainees remain at large.

Northern Territory news headed these photographs, "WHO ARE THESE SCUMBAGS?"

(Northern Territory News, 3 June, 2015, page 5)

JOSIAH BINSARIS

Tuesday was the third time Binsaris had managed to escape custody, and the second from Don Dale.

Binsaris' first escape happened at Darwin Magistrates Court in February 2014 when he jumped the dock of Court 5.

The then 14-year-old jumped out of the dock – a 1.5m-high glass barrier – made a dash for the door, down the stairs, past more security and out the door.

He was under the supervision of Corrections staff in the dock.

Then in August, he was one of five youths to break out of the old Don Dale facility by threatening detention centre workers with gym equipment.

He was on the run for about four days.

ETHAN AUSTRAL

Ethan Austral has a lengthy property crime wrap sheet. Police confirmed Austral alone has more than 100 charges in relation to involvements in incidents of property crime, including unlawful entries and car thefts, assaults and vandalism charges.

He was on remand for multiple property offences when he escaped.

After today's ram raid at Don Dale, the pair are now in custody and were expected to be charged last night.

They are also under investigation by serious crime detectives.

It wasn't until a year later, two months after Josiah and Ethan were ridiculed as idiots, hoods, clowns and scumbags for their escape and dramatic ram raid on the prison that an official report was released in August 2015, revealing the truth behind the tear gassing of the Don Dale 6.

And it was another 11 months until the nation was shocked by the 25 July, 2016, Four Corners video evidence of the August 21, 2014, tear gassing, use of inhuman isolation cells and of spit hoods in Don Dale detention centre.

Until the media revelations, it appeared that the youths held in Northern Territory prisons had no voice.

Perhaps Josiah and Ethan were using the only way they knew to resist the brutalisation they had experienced and witnessed. When they had rioted, the authorities came down on them even harder. It took a ram raid through the prison gates to draw attention to the horrors of Don Dale. Now in 2020, their resistance has been recognised in a High Court judgment recognising the claims of the Don Dale Six on behalf of their fellow detainees.

The report on the front page of the Northern Territory News raised many questions. On Sunday night, 30 May, 2015, six youths had climbed onto the roof of the Don Dale Juvenile Corrections Centre. One had been caught up in the razor wire while five had escaped.

Corrections Commissioner Ken Middlebrook was quoted in the newspaper saying the trouble was caused by a “handful” of the youngest people in detention.

“This is the same six that have been a constant problem for us for a number of months. These are young people that have no respect for lawful behaviour either in the community or while here in custody,” he said.

Four others had been caught after a six-hour stand-off, while two remained on the run. They were Josiah Binsaris and Ethan Austral, both aged 16.

On Tuesday June 2nd, the police sighted a stolen Toyota Yaris in the suburb of Fannie Bay, the third vehicle Binsaris and Austral had stolen while on the run. A two-page map in Wednesday's NT News showed the path of the Yaris as it headed back towards the Don Dale Centre which was located in the buildings of Darwin's notorious Berrimah prison.

The stolen Yaris then smashed through the jail's roller doors and was driven around the internal grounds for 45 minutes before the occupants, Binsaris and Austral were taken into custody.

Why did two boys who had made a successful escape, return to the place of their detention and boldly crash their vehicle through the gate before doing doughnuts in the prison grounds? Was there “method in their madness”, as Shakespeare has written?

The newspaper described Binsaris and Austral as “Don Dale's Dumb Duo”, who were "idiots", “hoods” and “Scumbags”.

There had been some indication of trouble at Don Dale the August before, when the NT News reported that tear gas had been fired at detainees.

On 24 August, 2014, the Northern Territory Children's Commissioner Howard Bath told the newspaper he was “deeply concerned” at the decision to use tear gas on six rioting teens in Don Dale. The story noted that five of the six teens involved had escaped the centre three weeks earlier.

It wasn't until a year later, two months after Josiah and Ethan were ridiculed as idiots, hoods, clowns and scumbags for their escape and dramatic ram raid on the prison that an official report was released in August 2015, revealing the truth behind the tear gassing of the Don Dale 6.

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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.

It wasn't until a year later, two months after Josiah and Ethan were ridiculed as idiots, thugs, hoods, clowns and scumbags for their escape and dramatic ram raid on the prison that an official report was released in August 2015, revealing the truth behind the tear gassing of the Don Dale 6.

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Two 16-year-old escapees yesterday returned to the scene of the crime in spectacular fashion when they drove back into Don Dale Youth Detention Centre after breaking out less that 48 hours earlier.

Josiah Binsaris and Ethan Austral quite literally drove back into Don Dale, ploughing a stolen Toyota Yaris into roller doors at the front of the detention centre early yesterday afternoon [2 June 2015].

After crashing into the roller doors the pair ignored police demands to surrender for more than half an hour, continuing to drive around the detention centre before finally being arrested.

TRG, Metropolitan Patrol group and dog squad units raced to Don Dale and the facility was put into lockdown after the two raced into the facility.

“Escapee told mum that Don Dale was 'boring'", NT News June 2, 2015, page 7.

Perhaps the kids found being locked in solitary 'boring', but obviously they had been desensitized. The 2015 report by the Children's Commissioner expressed it in more detail.

Quote: "On 12 August 2014, concerns were raised by a professional stakeholder on behalf of five young persons who were in detention. The complaint related to the alleged indefinite nature of the confinement in the BMU [Behaviour Management Unit], and the unhygienic living conditions of the environment. It was the complainant’s opinion that the conditions were ‘inhumane’ as young persons were being held in solitary confinement in cramped and darkened cells, for up to 23 hours a day.

There were also concerns about the long-term impact this could have on the five young persons’ psychological and physical wellbeing.

The complainant’s concerns were initially raised with the Commissioner of the Northern Territory Department of Correctional Services (’Correctional Services’) and a written response was provided on 14 August 2014. Correctional Services’ response did nothing to reassure the complainant of the young persons’ wellbeing."

On Tuesday, 2 June, 2015, page 6, The Northern Territory News reported: "Tough law plan on kids" and

CRACKDOWN PROMISED AFTER YOUTH RAMPAGE

by Fred McCue and Damien McCartney

Corrections Commissioner Ken Middlebrook has promised a new hard-line approach against the most unmanageable of the Territory's young offenders after Don Dale Youth Detention Centre was trashed and two inmates escaped on Sunday night.

Mr Middlebrook said the event was a “game changer” that would see security beefed up, with staff from the Darwin Corrections Centre being brought in to work alongside Youth Justice officers at Don Dale.

Offenders like those involved in Sunday evening's rampage should be stripped of all privileges, Mr Middlebrook said, and he warned they would in future get “a Bible and maybe a colouring-in book” for recreation until they proved they deserved more.

Describing the incident as “embarrassing”, Mr Middlebrook said in more than 30 years' use as an adult prison there had never been an event like Sunday night's at the Berrimah corrections facility.

The 16-year-old escapees, Josiah Binsaris and Ethan Austral, have committed more than 100 offences between them.

Five inmates made a bid for freedom after causing tens of thousands of dollars of damage in B-Block of the detention centre. After arming themselves with metal weapons and disabling security doors, six inmates went on a rampage before five of them eventually forced their way on to the roof and made for the perimeter fences. One would-be escapee remains in hospital with serious lacerations after being caught in razor wire.

That youth, 17, was one of four youths taken into custody last week at the notorious “Sin City” housing block in Gray following a six-hour stand-off with police.

Mr Middlebrook stressed that the events of Sunday night were caused by a “handful” of the youngest people in detention.

“This is the same six that have been a constant problem for us for a number of months,” he said.

“These are young people that have no respect for lawful behaviour either in the community or while here in custody. Both youths (on the run) are aged 16, and of indigenous appearance.”

Two others have been taken to hospital with serious lacerations after cutting themselves on the razor wire. Police confirmed doctors used about 110 stitches to close the cuts.

Binsaris has escaped from custody on two previous occasions – once by jumping the dock at Darwin Magistrates Court and once from Don Dale.

Binsaris jumped the 1.5-metre-high glass barrier in courtroom five of Darwin Magistrates Court in February 2014.

Then in August, he was part of a group of five to escape Don Dale.. he was on the run for about five days before he was caught in Nakara.

“Gatecrashing idiots take a turn for the worst."

By Fred McCue

NT News, 3 June, 2015

Binsaris and Austral were part of a group of six who allegedly caused tens of thousands of dollars worth of damage in B-Block of Don Dale on Sunday night as youth justice officers watched on powerlessly.

The young hoods forced youth justice officers back after allegedly arming themselves with makeshift weapons, disabling doors in the sector they were trashing.

After spending more than 20 minutes ransacking two accommodation units and the centre's education facility, five of the offenders forced their way on to the centre's roof.

Four of them then breached Don Dale's internal fence, with Binsaris and Austral making it over a second fence to freedom.

But for reasons no one can yet explain, the two escapees yesterday led police in a pursuit before turning into Tivendale Rd and heading back to Don Dale.

Crime Commander Mike Murphy said it was still too early to know what had motivated Binsaris and Austral to return to Don Dale.

“Obviously this event's just unfolded, the two youths have just been arrested, that information's not known to me at this time and it will become clearer during the court process when the information’s disclosed,” Commander Murphy said shortly after Binsaris and Austral were driven out of Don Dale in separate paddy wagons.

Police were alerted that the pair were out of hiding shortly before midday after a Toyota Yaris was reported to have driven off from a service station in Fannie Bay without paying for petrol.

The Yaris driven into Don Dale is believed to have been the third vehicle stolen by the two in their period of freedom.

After stealing a car shortly after breaking out of Don Dale just after 7.30pm on Sunday the pair visited Austral's mother at her Woodroffe home about 9pm.

The first stolen car was later found dumped in Stuart Park.

Commander Murphy described yesterday's arrest as a good result.

“What we need to do now is get on with the police investigation. We need to collect all the necessary evidence,” he said.

“And we need to put them before the courts to answer a number of charges including traffic offences, escaping lawful custody, criminal damage and find if they've been associated with anyone that's actually been supporting their efforts during the time when they escaped.”

Youth facility to get tougher

NT News, 3 June, 2015, page 4.

The Don Dale Youth Detention Centre, which Josiah Binsaris and Ethan Austral escaped from on Sunday night, was formerly the Darwin Jail [Berrimah Jail].

But with the opening of the new Darwin Correctional Precinct the old Darwin Jail on Tivendale Rd in Berrimah became vacant.

It had become evident that the original Don Dale Detention Centre, which opened in 1991, was no longer suitable to house young offenders. There had been a series of disturbances and breakouts in the outdated facility.

More than $800,000 worth of refurbishments were completed at the old jail in February this year.

Despite the money spent to refurbish the old Darwin Jail, authorities have indicated that Sunday's events suggest additional work is required to upgrade security at the facility.

Corrections Commissioner Ken Middlebrook has indicated serious youth offenders at Don Dale will in future face a much tougher regime with the likelihood of being locked in their cells for up to 15 hours a day.

TEEN ESCAPEES GET A DOSE OF ADULT PRISON

NT News, Thursday, 4 June, 2015, page 3.

by Jill Poulsen

The two teenagers who escaped from Don Dale and were arrested on Tuesday after driving a stolen car back into the centre are being held in the adult prison at Holtz – locked in their cells for 23 hours per day with not so much as a book for company.

A special order to lock Josiah Binsaris and Ethan Austral up in the Darwin Correctional Centre for up top 10 days was granted by a magistrate on Tuesday.

Acting Commissioner of the department of Corrections Salli Cohen said the boys' behaviour would be closely monitored over the next few days before “reading material is introduced”. “This is a practice applied in the most serious of cases,” she said.

The pair is part of a group of six who trashed the centre at Berrimah during a rampage which included threatening staff with metal bars.

They were the only two of the group to escape the centre on Sunday night and returned in spectacular fashion on Tuesday, driving a stolen car through the entrance.

Corrections Commissioner Ken Middlebrook said the group of six had been a constant problem...

The Department of Corrections refused to rule out using private contractors to guard the six detainees during the hours of 8am to 4pm.

“Our members' initial thoughts are this Don Dale saga is created through neglect by the department where they have failed to address various issues within youth detention, one of those main issues being staff training, and now they want custodial staff to pick up the pieces,” United Voice's Erina Early said.

Community and Public Sector Union director Kay Densley said locking up young adults for 15 hours a day would just make things worse. “We need proactive measures not reactive measures,” she said.

Ms Cohen said the department was considering how the arrangement would work and was keen to engage with various unions

TEAR GAS FIRED TO QUELL TEENS IN DON DALE RIOT.

NT News, Saturday, 23 August, 2014, page 2.

By Zach Hope

SIX teenage detainees allegedly tore up Don Dale Detention Juvenile Centre and injured a staff member during a three-hour siege that ended when the anti-riot team fired tear gas. Five of the teens, who were all aged 14 and 17 years of age, were the same who escaped the facility on August 2 and spent days on the run.

The incident has forced the closure of Don Dale about a month earlier than anticipated.

Correctional Service commissioner Ken Middlebrook said that they allegedly began smashing cells and equipment about 5.30pm Thursday night in the secure unit of facility, where they had been placed since their capture. One of the detainees escaped his cell and began damaging other areas of the facility.

Mr Middlebrook said the youths threatened staff with weapons fashioned out of smashed dinner plates, light fittings and windows.

At least one of the weapons appeared to be a knife made from plastic and fastened with tape, indicating it may have been made and stowed well before the uprising. One staff member was cut on the arm and required treatment.

A member of the dog squad and three members of the Immediate Action Team, a group of officers specially trained in quelling riots, were called from the adult Berrimah prison when Don Dale staff could not take control of the youths and when other detainees from the non-secure section threatened to become involved.

The IAC fired tear gas at the six youths until they were subdued.

Mr Middlebrook said they were immediately washed down and none were injured.

The youths are now under extra security until their move to a completed area of the soon-to-be-opened new prison over the weekend.

Mr Middlebrook said it was the first time in his seven years in the Territory that ear gas was used to quell detainees at the centre.

MINISTER DEFENDS CHOICE OF TEAR GAS IN TEEN RIOT

NT News, Sunday, 24 August, 2014, page 9

By Zach Hope

Northern Territory Children's Commissioner Howard Bath is “deeply concerned” at the decision to use tear gas on six rioting teens in Don Dale Juvenile Detention Centre.

The uprising began about 5.30pm on Thursday, when the teens, aged 14 to 17, began smashing property and threatening staff with makeshift weapons.

One staff member received a cut to his arm.

The fracas lasted about three hours before members of the Immediate Action Team fired teargas at the teens.

A member of the dog squad was also called but was not needed.

Dr Bath would not say if he would investigate the incident but indicated he would make further inquiries.

“I'm deeply concerned about the use of gas and dogs on juveniles; I'd be concerned about it happening anywhere,” Dr Bath said.

“The young people involved are vulnerable kids as detailed in the Children's Commissioner Act and it's the object of my role to ensure the well-being of vulnerable kids. On that basis I'd have an interest in the matter. But the facts have not yet been established or the context in which this has occurred.”

Five of the six teen involved escaped the centre on August 2 [2014].

Corrections Minister John Elferink defended the actions of staff and Correctional Services Commissioner Ken Middlebrook.

“These children are not the kind that bring home apple pie for their parents, they have the ability to be very violent and extremely dangerous,” Mr Elferink said.

“When a youth in custody is seriously threatening staff with weapons, including with metal bars and sharp glass, they cannot simply be subdued by giving them an assertive cuddle.”

Mr Elferink said an internal investigation was ongoing and it would be “inappropriate” to comment on how one of the youths escaped his cell or how many staff were guarding the youths when the rioting began.

Dr Bath has the power to investigate such incidents or conduct an inquiry based on complaints or on his own determination.

When asked if there had been official complaints, he said: “I'm well aware of the matter in question.”

[Note: It wasn't until the ABC “Four Corners” program was broadcast nation-wide on 25 July 2016, showing CCTV footage of the incidents that the truth about the Don Dale protests shocked the general public. This was despite the Children's Commissioner's report on the Don Dale gassing and conditions in the detention centre being published in August 2015. Meanwhile, from 2014 to 2020 resistance was continued by the voiceless detainees themselves].

THE GASSING OF THE DON DALE 6

Extracts from the August 2015 Report of Children’s Commissioner Colleen Gwynne to NT Government, based on events that occurred from 4th to 21st August 2014 in the Behaviour Management Unit (BMU) of the Don Dale Youth Detention Centre.

The decision to conduct this self-initiated investigation was made by the former Children’s Commissioner, Dr Howard Bath.

On 12 August 2014, concerns were raised by a professional stakeholder on behalf of five young persons who were in detention. The complaint related to the alleged indefinite nature of the confinement in the BMU, and the unhygienic living conditions of the environment. It was the complainant’s opinion that the conditions were ‘inhumane’ as young persons were being held in solitary confinement in cramped and darkened cells, for up to 23 hours a day.

There were also concerns about the long-term impact this could have on the five young persons’ psychological and physical wellbeing.

The complainant’s concerns were initially raised with the Commissioner of the Northern Territory Department of Correctional Services (’Correctional Services’) and a written response was provided on 14 August 2014. Correctional Services’ response did nothing to reassure the complainant of the young persons’ wellbeing.

On 20 August 2014, the complainant lodged a complaint with this office, and provided a copy of the Commissioner’s letter of response. On 22 August 2014, two days after becoming aware of the concerns, Dr Bath was contacted by Correctional Services, who informed him that there had been a critical incident within the BMU and that a number of young persons had armed themselves with weapons and had tried to escape. He was further advised that the young persons had caused significant damage to detention centre property and that the only way to return any form of order was to use CS gas7, and the prison security dog from the Darwin Correctional Centre.

On 22 August 2014, Dr Bath attended Don Dale to assess the welfare of the young persons, and also to inspect the conditions and damage allegedly caused to the BMU. During this visit he confirmed that there had been six young persons confined to the BMU, prior to and during the incident of 21 August 2014. These events were widely reported in local, national and international news.

Each cell contains a concrete platform which is used for sleeping, a toilet, a fluorescent light fixture, and an intercom. Three of the internal walls are made of cement-rendered concrete. The front of each cell consists of metal bars covered with a metal mesh screen. Some cells also have a perspex screen. The door to each cell is made from bars and screen mesh and includes a hatch which can be opened from the outside. Each door is fitted with a handle and a lock on the outside which must be engaged with a key to lock the door. There is no handle on the inside of the door (that is, inside the cell). The door is not locked if it is only pulled closed, but it cannot be opened from inside the cell, as there is no handle.

The cells do not have any air-conditioning, or fans. There are no facilities for the young persons to access drinking water, nor are there any facilities for hand washing after using the toilet, or before eating meals. There are no windows which allow direct natural light, or ventilation.

Six young persons were being held in the BMU between 4 and 21 August 2014, for periods of between 6 to 17 days, depending on the individual. Five of these young persons had been involved in an escape from the medium security section of Don Dale on 2 August 2014. They were all placed in the BMU after they were returned to detention.

YJO B told investigators: ‘The kids kept asking if they could get out and management never had any answers for them and the detainees went off and I don’t blame them, I would have too. It wouldn’t have happened if they didn’t keep them in there for so long. It is horrible, it stinks, they do the spring cleaning every Saturday but when you’ve got so many kids in there and they are all going to the toilet and they were sharing cells, it is not nice living arrangements or accommodation, I am surprised it didn’t happen sooner.’

YJO A informed investigators the incident occurred as a result of a build-up of being kept in the BMU for so long, and boredom. Young person ‘E’ later told him he was angry because the shift supervisor had told him he was getting locked in for another 72 hours.

The incident concluded with the young persons being escorted from the BMU and out onto the basketball court, where there were sprayed with water in an effort to decontaminate them.

The GM sought approval from the on-call Magistrate to transfer the young persons from the BMU in Don Dale to the adult prison. The Magistrate gave verbal approval to temporarily transfer the young persons across to the adult correctional facility, pursuant to the emergency provisions contained in the Youth Justice Act. At 11.58 pm on 21 August 2014, the Magistrate e-mailed the GM written confirmation of the verbal approval she had provided earlier. The approval allowed for Correctional Services to transfer FIVE (emphasis added) young persons to the adult prison.

The Magistrate’s e-mail specifies the number of young persons she had authorised be transferred to the adult prison, however SIX (emphasis added) young persons were transferred across. ‘E’ was one the transferees, despite him being only 14 years of age. This was in breach of the Youth Justice Act…

He also said that he was not aware that spit hoods were used on the young persons on 21 August 2014, or on ‘E’ when he was returned to Don Dale on 22 August 2014. He confirmed that he did not authorise their use and he would only ever authorise the use of a spit hood if a young person was spitting. He was not aware of anyone spitting during the incident.

All YJO staff advised that they had received no training in critical incidents or methods to verbally de-escalate the type of incident that occurred on 21 August 2014. The staff did not feel equipped to safely resolve these types of incidents and were concerned they have not been provided with adequate personal protection equipment.

The length of time the six young persons were forced to spend in the BMU is very concerning. It is not acceptable to place young persons in a confined area for days at a time, only allowing them out for one hour per day. The environment in which they were housed was clearly not appropriate, with Don Dale staff decrying the conditions as ‘unhygienic’ and ‘inhumane’. The fact that the young persons were unable to have continuous access to water for drinking and washing is unacceptable.

The cells were not air-conditioned, did not have fans or natural light, all of which is unacceptable. Available observation records and CCTV footage show that the young persons spent the majority of their time lying on the platform (bed) when confined to their cell.

Case workers interviewed informed investigators that they visited the young persons on most days, however they were restricted to talking to them through the bars of the cells.

NT News, 26 July, 2016, page One.

Shocking videos show kids tear-gassed, hooded and stripped naked in prisons.

JAILHOUSE SHAME

The actions of the Territory's Correction officers have been thrust into the national spotlight after shocking vision emerged

NOTE: On 21 August, 2014, juveniles confined in the Don Dale Behaviour Modification Units (BMUs) revolted against unbearable conditions and 6 youths were tear-gassed, including Josiah Binsaris. See report by Colleen Gwynne, Children's Commissioner, dated August 2015 and later ABC “4 Corners” TV investigative report shown on Monday 25th July, 2016]

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TEENAGE DETAINEES HOODED, GASSED IN NORTHERN TERRITORY

ABC Radio Darwin

By the National Reporting Team's Kate Wild and Katherine Gregory

Updated 18 Sept 2015, 1:35pm

[abbreviated]

Revelations that teenagers were tear gassed in their cells in the Northern Territory and later had fabric hoods placed over their heads after being transferred to an adult prison came in a report tabled in NT Parliament on Thursday night.

The report follows an investigation begun by former NT children's commissioner DR HOWARD BATH into an alleged riot by six juvenile detainees in the Don Dale Youth Detention Centre [on 21st] August 2014.

It was completed by the current Children's Commissioner, COLLEEN GWYNNE.

Commissioner Middlebrook, who was present, gave permission for tear gas to be used on the teenagers.

Commissioner Middlebrook is heard to say on a video recording: "Mate, I don't care how much chemical you use, we gotta get him out."

Six youths were exposed to tear gas for between three and eight minutes each.

DR BATH said in his report: "There wasn't ever a riot, an unlawful assembly. One young person had escaped their cell because the door had been left open by the staff. The other young juveniles had not got out."

In the immediate lead-up to the alleged riot, Department of Corrections staff had placed six young people in solitary confinement "for periods of between six and 17 days", according to the report.

It was widely reported at the time that the young people became "increasingly aggressive and violent towards officers" that evening and began to rebel.

A witness to events told the Children's Commissioner: "The detainees went off and I don't blame them. I would have too. It wouldn't have happened if they didn't keep them in there so long. It is horrible, it stinks ... I am surprised it didn't happen sooner."

JARED SHARP from the Northern Australian Aboriginal Justice Agency (NAAJA), which has represented many of the juveniles held in Don Dale, said: "This is information that Corrections has been aware of, they've had the CCTV, they've interviewed their own staff. But it's only now that the real facts are coming to light, and that's the real concern. What else don't we know?"

MR SHARP said the report showed Don Dale had been in crisis "for a long time".

"It's about maintaining control and order and that has overrun the need to obey the law and be clear about what your legislative duties are to kids in your care," Mr Sharp said.

"There is this seeming willingness to do what's necessary without any moral compass."

14YO MOVED BACK TO DETENTION CENTRE

When it was discovered a 14-year-old had been taken to the adult prison, Corrections acted to have him returned to Don Dale.

The report said CCTV footage showed that when the boy arrived back at Don Dale, he was clearly handcuffed with his hands behind his back "with a hood still placed over his head".

Soon after the riot, Don Dale Youth Detention Centre was moved from its previous premises into the decommissioned and partly refurbished former adult prison at BERRIMAH.

In the first six months of 2015, there was a spate of breakouts and disturbances in the new centre.

These included two teenagers breaking out of the centre, stealing a car and breaking back into Don Dale by driving the car through the centre's front door.

JARED SHARP from NAAJA said there was no excusing this behaviour by juvenile detainees but details in the Bath Report "explain why they would feel such desperation that they would climb over razor wire to escape, as they have".

"It's also why kids might leave detention when they get out damaged, feeling in the depth of despair and harmed by the experience of detention," he said.

MR SHARP said NAAJA and the community were aware of other critical incidents at Don Dale since the events of August 2014.

"So there's nothing to suggest the issues identified here in this report are not ongoing," he said [in September 2015].

Elferink was “judge, jury and executioner”

by Ben Smee

26 July 2016

In “CROCS IN THE CABINET: Northern Territory politics: An instruction manual on how NOT to run a government” (2016), pp. 270-273.

The face of youth crime, until yesterday, was the one we could see.

Break-ins, stolen cars, wannabe teen gangsters. And seemingly endless reoffending.

There has been an undeniable frustration within the community that our justice system does not break the cycle, and that kids leave youth detention to resume lives of near poverty, drug use and petty crime.

The main reaction, perhaps the natural reaction, was to suggest our system needed to harden up.

Where the community can be forgiven – and the NT government cannot – is that the treatment of our troubled youths had a face that most of us could not see.

There can be no doubt, after viewing the footage on “Four Corners”, that the brutalisation of young people within Don Dale is an overwhelming cause of that reoffending.

In that environment Cabinet approved the use of those horrific restraint chairs. And in that same environment, Cabinet backed changes to the bail act designed to put more young petty property offenders into detention.

If Cabinet did not know about the treatment of kids in Don Dale – if the Chief Minister did not know – they must still shoulder some of the burden here. John Elferink has been allowed, unchecked by his colleagues or his leader, to serve as the Territory's proverbial judge, jury and executioner.

He's in charge of the child protection system, the justice system and corrections system. The problems in each of those systems have been compounded because each is run according to Elferink's singular and self-righteous agenda.

After the February 2015 coup attempt, Chief Minister Adam Giles and Elferink came to an uneasy truce. The result was the Attorney-General and Corrections Minister exerted almost total authority over his areas of responsibility.

That was a political necessity, required to keep the CLP wing intact until the election. But the consequences of allowing Elferink to dictate these policies, which have drawn national condemnation, must be owned y Giles and rest of the Cabinet.

While they must shoulder some culpability, it's Elferink who will ultimately be remembered as the man responsible for a regime that tortures children, responsible for a regime which the Chief Minister said yesterday harboured a “culture of cover up”.

His appearance on “Four Corners” was a train wreck. And it explains why he's been a train wreck as a minister.

He seemed to think that riding out to Don Dale on a Harley-Davidson, and offering the reporter a ride, would make him look cool.

That's the action of a man utterly convinced of his own infallibility, who colleagues and staffers say is unwilling to listen to advice.

Elferink's biggest problem has always been that he believed himself to be the smartest person in the room, but he has always lacked the empathy, and the perspective, to be a decent or effective politician.

“RACISM” AT HEART OF ISSUE.”

NT News, 26 July 2016, page 4.

by Neda Vanovac

Racism is at the heart of mistreatment of indigenous youth in detention in Darwin, and the NT government is “entirely dismissive” of their rights, a human rights lawyer says.

Responding to last night's ABC Four Corners program, Professor George Newhouse, principal solicitor at the National Justice Project, yesterday called for a total overhaul of the youth justice system.

A report by the NT children's commissioner found that several boys had been kept in isolation for almost 24 hours a day for prolonged periods in hot cells with no running water or access to school materials.

“The government needs to address the social, health, educational and other disadvantages that these young people suffer and divert them from youth detention … these are children and they deserve a future,” Prof Newhouse said.

“If you were seeing non-indigenous children being treated this way, there would be a swift response from the community and the government to the problem, but when it's mostly indigenous … the government seems to be entirely dismissive of them.”

Since 2014, the government has moved juvenile detainees into the former maximum security wing of the old adult prison. The NT has the highest rate of youth detention in Australia, and 95 per cent of detainees are Aboriginal.

“Digging a big hole for himself” by Ben Smee, 28 July 2016.

from “CROCS IN THE CABINET”, page 275.

In in 2020, Adam Giles openly stated he'd like to break UN human rights conventions and throw criminals in a giant hole.

Six years later, loathed and facing an election wipe-out, the CLP's final desperate bid to remain in power has been a similar dog whistle to the Territory's “tough on crime” crowd.

Giles cannot back away from his drastic plans to lock more impressionable kids up in the Don Dale hell hole.

He has no credibility to blame Labor for the shocking treatment of young prisoners, though the former Government is partly to blame and has accepted some. Michael Gunner's acknowledgment of responsibility on Tuesday was a display of leadership that stood in stark contrast to his rival, who is fast losing the plot and even faster looking a fool on the national stage.

In 2012, the Country Liberal Partly campaigned by claiming Don Dale was a place where kids played “video games” and needed tougher love.

Here's what Giles said, in Parliament, in 2010: “I would love to be the Corrections Minister, I would build a big concrete hole and put all the bad criminals in there: 'Right you are in the hole you are not coming out, start learning about it'. I might break every United Nations convention of the right of the prisoner, but 'get in the hole'”.

Giles simply cannot walk from the hole comment to the high ground. His crocodile tears at the Tuesday press conference were remarkable. They were the tears of a man who would resile from offering true leadership and seek to blame everyone else at a time of crisis to buy a few cheap votes.

True leadership would not have dodged the key question about the treatment of kids in Don Dale. Every report, every piece of video footage, describes a system gone wrong. A system that is hardening petty criminals, doubling down on their violent upbringings.

He can no longer talk tough on crime. The party's election platform is fast becoming a farce, and Giles is now marking time until voters chase him from office.

The NT News changed its tune after the truth about Don Dale youth detention centre came out in July, 2016. This horror story came out TWO YEARS after the gassing of prisoners and the use of BMUs (Behaviour Management Units) to hold teenagers in isolation cells for long periods.

After Josiah escaped the detention centre in 2014 (twice) and on 30 May, 2015, he and his mates were called "idiots", "scumbags", "thugs" and "dunces".

On Wednesday, July 27, 2016, the NT News front page reported: Eleven months ago, the Children's Commissioner handed the territory Government a report detailing systemic abuse of young prisoners in detention.

The report was built around the very same videos that aired on national TV on Monday night [25 July 2016].

The Government ignored the report and even pushed for tougher measures.

They only acted yesterday following national and international outrage.

John Elferink was sacked as Corrections Minister but still remains Attorney-General and Children and Families Minister.

Now, many around Australia are saying...

SACK THE LOT OF THEM.

Full Coverage >> Pages 4-11

END NOW NIGH FOR GILES.

By Ben Smee

NT News, Thursday, 28 July 2016.

In 2010, Adam Giles openly sated he'd like to break UN human rights conventions and throw bad criminals in a giant hole.

Six years later, loathed and facing an election wipe out, the CLP's final desperate bid to remain in power has been a similar dog whistle to the Territory's “tough on crime” crowd.

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Anyone who retains little sympathy for teen criminals, and there are many still within the Top End community, should be equally appalled at the way the CLP has attempted to play to the “tough on crime” crowd while knowing their actions in youth detention were making things worse.

They had evidence to say it was wrong.

They had evidence to say it was counter-productive. They ignored it and pushed for more barbaric

ROYAL COMMISSION IN CRISIS AS JUDGE RESIGNS.

Christopher Walsh

NT News, 2 August 2016, page 1

Less than a week after he was chosen to lead a royal commission into NT youth detention centres, Brian Martin has resigned, claiming he did not have the full confidence of sections of the community.

Mr Martin will be replaced by Indigenous Social Justice Commissioner Mick Gooda and former Queensland Supreme Court judge Margaret White. They were quickly appointed co-commissioners yesterday as the Federal Government attempted to salvage the credibility of the royal commission process.

But concerns now lingers over comments Mr Gooda made calling for the NT Government to be sacked after footage showing abuse of child prisoners aired on 4 Corners last week.

“The Federal Government has to intervene and sack the NT Government,” Mr Gooda said.

Page 2 (continued from page 1).

BLOW FOR TERRITORY ROYAL COMMISSION AS MARTIN STEPS DOWN.

Mr Martin also faced criticism for still being a reserve justice in the NT, for meting out light sentences for serious crimes in the past and concerns that he may have sentenced children to the Don Dale centre.

It was revealed the day after his appointment that his daughter Joanna had advised the previous Labor government on justice issues between 2009 and 2011 while some of the abuses of youth at Don Dale were alleged to have transpired.

It's believed she will give evidence to the commission.

He called that criticism “disingenuous and ill informed” yesterday.

“However, notwithstanding the nature of the commentary, it has become apparent that rightly or wrongly, in this role I would not have the full confidence of sections of the indigenous community which has a viral interest in this inquiry,” Mr Martin said.

“As a consequence, the effectiveness of the commission is likely to be compromised from the outset. I am not prepared to proceed in the face of that risk.”

Labor leader Michael Gunner commended Mr Martin on recognising the “issues” of his appointment and for standing down.

“We have got an opportunity now to do what maybe should have been done at the start which is to consult with the Aboriginal peak organisations of the Northern Territory and let's try and get this right,” he said. “This Royal Commission is really important, It must be independent.”

He added that indigenous groups were right to blame both Labor and the CLP and said both parties should have no role in administering the commission.

Photo: Royal Commissioner Justice Brian Martin holds a press conference in Canberra. He has resigned as Royal Commissioner into the Detention of Children in the Northern Territory. Picture Kym Smith.

SCREW UP LEADS TO PRISON ESCAPE

NT News, Friday April 7, 2017, page 9.

by Kieran Banks

Police are seething that known escapist Josiah Binsaris wasn't subjected to higher surveillance by corrections staff despite breaking free from Don Dale on three prior occasions.

Fugitives Binsaris and Trey Mawson aged 17, smashed a window in the youth detention centre's low security section during a storm and sealed a fence to freedom at 6pm on Wednesday. The NT News understands Binsaris and Mawson were on the run for 45 minutes before authorities were aware they had escaped. Police are furious that Binsaris wasn't closely monitored by corrections staff given his history of escaping from Don Dale.

Police launched a citywide manhunt focusing on the northern suburbs and Palmerston which continued yesterday. Strike Force Trident Detective Sergeant Rob Jordan said Binsaris was a “violent” criminal and feared he would commit crimes while evading authorities. “Josiah has a propensity to get on a crime spree, so we are using all of Trident and some of the Serious Crime Unit to find him,” he said.

Sen-Sgt Jordan said six teams of officers were searching for the pair, targeting family and friends of the escapees. “We're also targeting any known associates or any linked addresses until we catch them,” he said. “We're looking in Palmerston, the northern Suburbs and in particular Karama and Malak, those areas.”

Deputy Chief Minister Nicole Manison said an overhaul of youth detention was dependent on the outcome of the Royal Commission [into the Protection and Detention of Children in the Northern Territory].”

un 4, 2020 Updated: 1:30pm, Jun 4

Dark chapter of Australian history draws to a close … for now

Ciat Kelly

The New Daily

On Wednesday, after nearly six years, four teenagers who were tear-gassed while being locked in a cell received some semblance of justice.

The High Court found the ‘deliberate and intentional’ use of tear gas, known as CR fogger, by prison officers at the Don Dale youth detention centre was not lawful.

The youths will be compensated. And for the officers, the story may not end there.

James Higgins, partner at Gordon Legal, told The New Daily the ruling “opened a can of worms” and could potentially lead to criminal charges.

“Basically this decision is limited to the question of whether the Northern Territory authorities can use tear gas as a weapon in this context – the answer is no,” he said.

“So it may well be that there might be further consequences for those who did use tear gas.

“It’s a decision which says ultimately this is the context of where weapons can be used and under what circumstance. And it’s revealed they’ve acted unlawfully.”

The case returns to the Supreme Court in the Northern Territory to determine how much compensation is awarded to each of the four boys.

“These boys get to make a claim for compensation and it renders those who made the decision liable for potential disciplinary proceedings or criminal sanctions,” Mr Higgins said.

The 2016 Royal Commission was sparked by a violent incident at the Don Dale youth detention centre in August 2014. The incident led to a confrontation between detainee Jake Roper and prison staff.

Roper could not be controlled while “engaging in the exercise yard in violent and erratic behaviour assessed to pose a danger to staff”.

One of the prison officers from the nearby adult jail used CS gas to control him.

The gas affected four detainees who were locked in their rooms: Josiah Binsaris, Leroy O’Shea, Keiran Webster and a fourth person who cannot be named.

Criminal Legal Association of the NT president Marty Aust said if the system was not overhauled, and the Royal Commission recommendations implemented, the same thing would happen again.

“Really this should be a line in the sand and a teaching that now is the time for change,” Mr Aust said.

“It’s a very big decision, but what it actually means moving forward sort of remains to be seen.

“As a result of the commission and months of hearing, the commissioners ultimately found the system was broken.

“Now in the territory, the government that is in power has not committed to implementing the full suite of recommendations.”

The NT government will be liable for a damages claim for battery and costs.

The one judge who disagreed, Justice Stephen Gageler, believed tear gas could be used if necessary to maintain order.

But he still found the four detainees were entitled to damages as they were locked in their room and were victims of battery in being harmed by tear gas used on someone else.

The group had all previously rejected $150,000 settlement offers on the eve of a Supreme Court civil trial they lost.

They were later awarded between $12,000 and $17,000, but also ordered to pay a bill to cover government costs that would have been higher than their compensation

“Binsaris v Northern Territory; Webster v Northern Territory; O’Shea v Northern Territory; Austral v Northern Territory [2020] HCA 22”

Authors: Leanne Collingburn, Priya Kahlon

June 2020

In Binsaris v NT, Webster v NT, O’Shea v NT and Austral v NT the High Court considered the use of powers of officers at youth detention centres in the Northern Territory. In particular, they considered whether a prison officer was entitled to deploy CS gas, a form of tear gas, at the Don Dale Youth Detention Centre in the Northern Territory on 21 August 2014. The case followed the release of footage in 2016 of the four appellants being exposed

to CS gas at the Detention Centre and the 2017 Royal Commission into the Protection and Detention of Children.

The majority found that the use of CS gas by a prison officer at the Don Dale Youth Detention Centre in the Northern Territory was unlawful. The Court allowed the appeals, with costs, and decided that the appellants were entitled to damages in respect of their claims for battery arising out of the unlawful use of CS gas against them.

The appellants, Josiah Binsaris, Keiran Webster, Leroy O’Shea and Ethan Austral, and others were detained in the Behavioural Management Unit of the Don Dale Youth Detention Centre in the Northern Territory. On 21 August 2014, a detainee at the Detention Centre escaped from his cell, damaging property and causing a disturbance. Appellants Josiah Binsaris and Ethan Austral also caused damage to property and caused disturbance but they remained inside their cell. Appellants Keiran Webster and Leroy O’Shea played cards inside their cell. Prison officers were called to assist with the situation and, on the order of the Director of Correctional Services, as recommended by the Deputy Superintendent and Assistant General Manager of the Don Dale Youth Detention Centre, CS gas was deployed by one of the prison officers against the escaped detainee. The appellants were also exposed to the CS gas whilst in their cells.

The appellants brought proceedings claiming that the use of CS gas by the prison officer constituted battery.

The majority made clear statements that a detainee in a youth detention centre, under the Youth Justice Act, is not a prisoner and a youth detention centre is not a prison.

This decision emphasises the differences in the statutory frameworks that apply to prisoners and youth detainees and the framework against which the powers of officers, in youth detention centres, under the Youth Justice Act, are to be assessed. Providing clear indication that the powers afforded to officers in respect of youth detainees were to be strictly read, and absent clear positive authority for the use of CS gas, the deployment of CS gas as against youth detainees at the Don Dale Youth Detention Centre was unlawful.

YOUTHS SET TO GET COMPO OVER TEAR GAS

Greg Roberts [extract]

3 JUNE 2020 - 1:38PM

Graphic footage was shown on ABC TV in 2016 of the four detainees being tear-gassed - described by five High Court judges as "battery" - and other acts including the use of spit hoods, leg shackles and handcuffs behind their backs.

That led to the 2017 Royal Commission into the Protection and Detention of Children, the NT government accepting in full or in principle all 227 recommendations at an estimated cost of $229 million

Four out of the five High Court judges found it was illegal for detention centre staff to tear gas youth detainees in the NT.

The NT government will be liable for a damages claim for battery arising out of the use of tear gas, and costs.

The one judge who disagreed, Justice Stephen Gageler, believed tear gas could be used if necessary to maintain order.

But he still found the four detainees were entitled to damages as they were locked in their room and were victims of battery in being harmed by tear gas used on someone else

Killer escapes from jail

by Sarah Crawford

NT News, Wednesday 25 January, 2012, page 9.

(with additional comment by Bill Day, 2020)

Michael Binsaris, aged 22, was not a “killer”, but like many young Aboriginal men, he had been sentenced to the notorious overcrowded Berrimah prison on the outskirts of Darwin, to be confined with violent psychopaths, Pedophiles, sex offenders, murderers and mentally disturbed men of every sort. Therefore, it is not surprising that instead of being rehabilitated, more commonly prisoners are released from Northern Territory prisons, traumatised and struggling to deal with life on the outside.

On Monday 23 January, 2012, Michael Binsaris was working with Dominic Gurruwiwi in the low security unit of the jail when they opportunistically took advantage of an unlocked gate and entered an area for day-release prisoners. The pair then climbed a 5-metre chain-linked fence topped with barbed wire and ran through park land towards a busy main road.

Dominic Gurruwiwi had been in custody since he was 16, after being found guilty of a violent assault on 27 March, 2006. A year later, on 22 March 2007, 18-year-old Graham X had been sentenced to seven years in the same prison. Graham had been tried in November, 2006, on charges dating back to when he was 15, in May, 2003.

Sarah Crawford reported on the escape of Binsris and Gurruwiwi in 2012: “The escape was discovered a short time later and the man-hunt started ... Binsaris was arrested at a home in Karama about 6.30pm”, after about three hours of freedom.

A police patrol spotted Gurruwiwi under the Rapid Creek footbridge on Tuesday afternoon and he was arrested after a short foot chase.

NT Correctional Services executive director Ken Middlebrook said an investigation had begun into why the gate was left unsecured. “We can never ever condone an escape from a correctional facility,” he said.

Mr Middlebrook said guards in the low-security unit kept the gate unlocked so the day-release prisoners could get their medications.

The security cameras in that zone had been fried by a lightning strike a couple of days earlier.

In 1961 the workers of Darwin united to support Malay pearl divers threatened with deportation by the racist Immigration Department. The men had been working in north Australia for more than 12 years. The Northern Territory News reported on strikes, petitions and protests. eventually Daru Binsaris and his comrades went into hiding which started a huge police manhunt.

STOPWORK OVER 2 MALAYS. NT News, September 19, 1961, p.1. Darwin’s waterside workers and visiting seamen on the Koolama stopped work this morning in “formal protest” against the deportation of Malays Daru bin Saris and Jaffa Madunne. Angry watersiders voted unanimously to stop work until 8 a.m. tomorrow claiming there was “no other course left at this stage.” Koolama will be blocked from sailing for 16 hours. Saris has been booked on a plane for Singapore tomorrow night.

More than 3000 Darwin people made it clear to Mr Downer that Saris and Madunne were welcome here if nowhere else. Every plea to the Government met with a refusal from Mr Downer.

Daru bin Saris said today he had decided not to hide out as staunch friends had advised him to do. He said: “I do not want anyone to get into trouble for me and will return now. Both Jaffa and I want to say thanks to everybody in Darwin who tried so hard to help us. We will never forget and will do our best to find a way to return, perhaps later on,” Saris added.

Watersiders were aroused at this morning’s meeting. The secretary of the NAWU watersider section (Mr George Gibbs) said members were not interested in what penalties the authorities would impose for the stoppage. “We can see no other course open and will try to make it clear through this stoppage, and possible another move that we object strongly to the attitude of Immigration Minister Downer and the Government,” Mr Gibbs said.

In a last ditch bid to stop the deportations a public protest meeting has been called for 8 o’clock tonight on the Darwin Oval.

ROAD BLOCKS IN THE SEARCH. NT News, October 3, 1961, p.1. As the hunt for hiding Malayan deportees Daru bin Saris and Zainal Hashim was stepped up at the weekend and yesterday police set up a road block at the 11-mile and rostered off extra men for duty.

Yesterday 12 police searched eight houses in outer suburbs after receiving “tips” that their quarry had been seen. And in Darwin a senior secretary of the Immigration Department has arrived to handle the deportation. The secretary, Mr H G Brooks met members of the Darwin Anti-Deportation Committee just after midday today...

Police were brought from their beds early yesterday to join in the search as outer suburbs were combed. Two car loads of police made an intense search of Winnellie and it si believed they have concentrated on at least one other suburb. It was confirmed that Mr Brooks was collaborating with police in the actual hunt for the deportees. Dozens of motorists are believed to have been stopped and their cars checked by police at the 11-mile road block...

And a constant watch has been kept on small boat landing places in the bay.

In a reply to a plea from Hashim’s father urging him to return to Malaya this note was received at the office of The News: “I have heard the broadcast over the wireless that said my father asked me to come home. I have not heard from my father for years and cannot see why he takes a sudden interest in me. I sympathise with my father but I am 24 years old and wish to stay in Darwin where I have lived amongst fine people. Please tell Mr Downer this.

Z. Hashim. 30/9/61.”

The Northern Territory has a long history of "Manhunts". These two men had the support of the people of Darwin who hid them in their homes to prevent the Immigration Department deporting the two men under the "White Australia Policy" in force in 1961. This is how the newspaper reported the manhunt:

GOVT. SHOULD REVIEW ITS MALAY RULING (Editorial). NT News, September 28, 1961, p.6. As the balloon flies high over the Malay deportees issue it becomes imperative that our Government recognises the deep and genuine feeling of the people of Darwin... The people of Darwin have made it clear that Daru bin Saris, Zainal bin Hashim, Jaffa Madunne and indeed Shen See Shan, are all welcome here.

Mr Downer and the Government apparently believe the men are not welcome to the rest of Australia and that the White Australia Policy precludes them anyway. In fact it has been quietly watered down many times. And never for more deserving cases that these men. We believe the majority of Australians abhor this persecution of humble men.

STAYPUT MALAYS AGAIN ‘IN SMOKE’. NT News, September 28, 1961, p.1. Malay deportees Daru bin Saris and Zainal bin Hashim have gone into hiding again and the issue has reached fever pitch following a statement from the Minister for Immigration (Mr Downer). A second public meeting has been called for tonight on the Darwin Oval opposite the Hotel Darwin. And the Member for Port Darwin (Mr Ward) who was acting legally for the two men has told Mr Downer that because of the international importance of the case southern senior counsel should be sought.

STAYPUT” MALAYAN BACK FROM SOUTH. NT News May 17, p.7. Zainal bin Hashim is back in Darwin, where his fight to remain in Australia began almost nine months ago. Zainal and his friend Daru bin Saris became known throughout Australia as the “Stayput Malayans” when they went into hiding last year to avoid deportation. They won the right to stay after a long, bitter campaign waged by Darwin people and every major newspaper in Australia. Last night Zainal, a nuggety, cheerful 25-year-old diver turned concrete worker, returned from Melbourne … He said Daru had decided to stay in Melbourne if he could find suitable work. “Daru likes the city and people down there very good to us,” Zainal said.

But whatever job was offered to Zainal in the south, he leaves no doubt that the cold of Melbourne and the warmth of Darwin – climatic and human – would have brought him back. First thing this morning Zainal reported out at Hume Pipes Ltd, where he was employed before going into hiding. Mr Hambuchner and Hume Pipes stuck with the Malayan for the time his troubles started last year...