

“Legal errors 'led to boy's death” NT News, Thursday, December 20, 2001, page 4.

by Rod McGuirk

A 15-year-old orphan who hanged himself in a Darwin juvenile detention centre need not have been imprisoned for a mandatory 28-day sentence, a coroner said yesterday.

The tragedy in the Don Dale Detention Centre on February 9 last year galvanised a national backlash against the Territory's mandatory sentencing regime which threatens to split the Federal Government.

The Groote Eylandt boy was within days of completing his sentence for breaking five louveres and stealing pens, textas, liquid paper, oil and paint, when he strangled himself with a bed sheet.

Coroner Dick Wallace attacked the bush justice system which ignored options that could have kept the boy, whose name is suppressed for Aboriginal cultural reasons, out of detention.

Mistakes

The coroner identified three legal mistakes in two court appearances at the Groote Eylandt Court which led to injustices for the boy.

The boy was sentenced to 28 days on October 19, 1999, despite mandatory sentencing provisions not applying to him because he was under 15 when he committed previous offences:

HE served an extra 10 days because the court failed to backdate his sentence to when he was taken into custody;

NO ONE told the magistrate there was a victim-offender conferencing program available as a sentencing alternative when the boy was last sentenced to detention on January 18 last year.

“It was while serving that perhaps unnecessary 28 days, that the deceased died,” Mr Wallace said.

“it almost beggars belief that nay defendant, let alone a legally represented defendant, should have been subjected to three errors in two appearances.”

He recommended bush courts be provided with capable prosecutors and that Aboriginal legal aid organisations provide bush courts with the same standard of service as major centres.

Counsel for the boy's family, John Lawrence, said the case highlighted the inadequacy of the justice system in dealing with Aborigines.

He said: “Everybody got it wrong.”

The findings showed that Aboriginal legal aid services were under-funded, so Aborigines were not being properly represented.

Mr Wallace recommended Don Dale staff receive formal training in recognising risk factors and mental illness in young people, and have regular practice sessions in emergency procedures.

Mr Lawrence welcomed the none recommendations for staff training at Don Dale.

Acting Attorney general Jane Aagaard said the Government aimed to implement all the coroner's recommendations.

The new Labor Government repealed mandatory sentencing on October 22 [2001].