NT YOUTHS SET TO GET COMPO OVER TEAR GAS

Greg Roberts [extract]

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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.